

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1439

Amending Criminal Rules 6(k) and 27(e) and Civil Rule 48(f) concerning interpreters for the speech or hearing impaired in jury deliberations.

IT IS ORDERED:

- I. Paragraph (k) of Criminal Rule 6 is amended to read as follows:

(k) **Who May Be Present.** The prosecuting attorney, the witness under examination, interpreters when needed, and a deputy clerk of the court for the purpose of recording the proceedings may be present while the grand jury is in session. No persons other than the jurors and any interpreter necessary to assist a juror who is hearing or speech impaired shall be present while the grand jury is deliberating or voting.

- II. Paragraph (e) of Criminal Rule 27 is amended to read as follows:

(e) **Selection of Foreperson — Deliberations of Jury — Communications.**

(1) When the jury has retired to consider their verdict, they shall elect one of their number foreperson. The foreperson shall preside over their deliberations, sign the verdict unanimously agreed upon, and speak for them on the return of their verdict in open court.

(2) No persons other than the jurors and any

interpreter necessary to assist a juror who is hearing or speech impaired shall be present while the jury is deliberating or voting. The jury shall be and remain under the charge of an officer of the court until they agree upon their verdict or are discharged by the court; except that the court may permit the jurors to adjourn their deliberations and return to their homes for reasonable periods of rest. Such periods of adjournment for rest shall be ordered only after hearing from all parties outside the presence of the jury; however, a request for overnight sequestration shall be made by the parties before the jury is sworn unless good cause is shown for a later request. The admonition set forth in section (c) shall be given before any adjournment for rest, and the court shall specifically state that no deliberations are to take place unless all jurors are present in the jury room.

(3) Unless otherwise ordered by the court, the officer of the court having charge of the jury shall keep the jurors together, and separate from other persons. The officer shall not suffer any communication to be made to the jury nor shall the officer make any communication except to ask the jury if they have agreed upon their verdict. The officer shall not, before the verdict is rendered, communicate to any person the state of their deliberations or the verdict agreed upon. The officer shall be sworn to act according to the provisions of this section (e).

III. Paragraph (f) of Civil Rule 48 is amended to read as follows:

(f) **Jury — Deliberation — Communications.** After hearing the charge the jury shall retire for deliberation. No persons other than the jurors and any interpreter necessary to assist a juror who is hearing or speech impaired shall be present while the jury is deliberating or voting. The jury shall be and remain under the charge of an officer until it agrees upon its verdict or is discharged by the court. Unless otherwise ordered by the court, the officer having charge of the jury must keep the jury together, separate from other persons; and the officer must not suffer any communication to be made to it, nor make any except to ask it if it has agreed upon its verdict, and the officer must not, before the verdict is rendered, communicate to any person the state of its deliberations or the verdict agreed upon. Such officer shall be sworn to act according to the provisions of this section.

DATED: August 20, 2001
EFFECTIVE DATE: October 15, 2001

Chief Justice Fabe

Justice Matthews

Justice Eastaugh

Justice Bryner

Justice Carpeneti